## THE TRIBUNE.

THURSDAY MORNING, OCTOBER 7, 1841.

Ur For Late Foreign News by the Acadia, see First Page.

rial we are compelled to omit a number of advertisemeats. They shall appear te-morrow.

## TRIAL OF ALEX. McLEOD.

Reported for The Tribune.

Second Day.... TURSDAY, Oct. 5, † to 8, &.M.

Evidence for the Prosecution continued.

Daniel G. Stewart, (sworn.) Was a hand on
board the Caroline on the night of her destruction;

(testified the same as Wells with respect to her trips down from Buffalo to Schlosser and back and forth to Navy Island; laid up for the night.) Was himself one of the night-watch; there were three men on deck, Capt. Kennedy, Nichols and myself; was alarmed about midnight by the appearance of first thought they were Indians; saw them just inside the little island which lies in the stream befloating down with the current toward the Caro-line; became alarmed, and told Capt. Kennedy what they meant; when I got aft, the officer in command of her was just jumping on deck, just

the engine-room into the gangway. Heard only two discharges of fire-arms before I went ashore; afterward heard a clashing of swords, shouting, &c. us though men were fighting.

Cross-examined by Mr. Spencer.

I first saw Durfee that afternoon; can't say exactly when, or whether he went down from Buffanot known him before; he told me he was a stage myself a hand on board : it is the custom for hands on steambouts to go on any boat without paying ; I went down to see what was going on; did not help board from Buffalo; don't know what freight was on board; there was some; a barrel or two; don't board at Black Rock, but provisions, &c.; don't know wo if not more men were taken on board at Black I lived at Schlosser when the managents took how heavy the things were put ashore at Navy Island; don't know whether any men stopped there; some went ashore, but thinks they came on beach to Schlosser, and went over; a good and many men went over; a good of many men went over; a good of many men went over; a good of many men were armed; there were an afternoon; don't know they were forey induced that in the shore; I stayed the day; had not been there before; and went over to good and a grant of the were armed; there was a good dead of passing and re-passing and re-passi many men there-can't say how many; there was

I was not molested in going ashore at the time of the attack; saw several others go ashore ahead of me unharmed; I heard the Caroline was going down to Navy Island the night before, I think for the first. I reside in Buffalo, and have done ever

to the warehouse unarmed. I had known Amos Durfee for several years; I went down to the dock about a week after the Patriots took possession; ten or fifteen minutes after the row-boats had de- about a week before the 29th. parted, while they were in sight, and found Durfee lying on the Railroad track, on the dock, twelve face; his head lay from the river; I turned him over and recognised him; there were two or three with me; we had a lantern; he was dead; saw the wound in his head; did not notice any blood particularly; saw he had been shot in the back side of his head; saw no other wound; my brother Henry and Capt. Haggerty were with mo; we met or saw no other persons there; believe I saw Durfee's cap that night: think it lay near him; went up to Buffalo immediately; saw Durfee's body t next day in Buffalo; in the court room of Mr. Baldy's house; did not particularly examine it; Durfee could hardly have been killed by a shot from

the tavern; the warehouse did not interfere. I was on board the Caroline the evening before:

Cross-examined by Mr. Spencer.
I resided in Buffalo, I had been in Schlosser but that day; I was assisting my brother-in-law. Mr. Fields, who keeps the tavern; I had been

[The Attorney General interposed. I am disis a limit somewhere.

Is a limit somewhere questions have any thing to do with we did not believe him, and none of us got up; began to throw the mattresses out of the windows the issue now pending. Mr. Spencer briefly main-about a minute after he came back, kucked at the which had been broken out; an officer came up

pioyed to help; was going down, so I helped; did on the rail; I saw the man who had been shot ly not go down in her; went by railroad; the cars tan twice a day each way from Buffalo to Niagara ferward, when I heard pistol shots and strokes. Cross-examined by Mr. Spencer.

There was a light burning in the ladies of the control of the rail; I saw the man who had been shot ly knowledge. I did not see Durfee. Cross-examined by Mr. Spencer.

There was a light burning in the ladies of the rail of th

with those in his head; I thought it was singed on the back part; kept it about a year; then gave it to his brother: I was not on board the Caroline that day or evening; the people in my house were not atmed at the time, except with one gun, that I know of; know that gun was fired; I don't know was what we call a Canadian cap, of woel or the back part; kept it about a year; then gave it burn the storehouse and attack the house; they was rapid; I went down and rose, when some one stallors in, as they had asked if they could get in: of sight, and the matter is soon fogotton; but was rapid; I went down and rose, when some one struck me in the back; I swam down a few feet, and not speaked in our house, so as to let the was rapid; I went down and rose, when some one stallors in, as they had asked if they could get in: of sight, and the matter is soon fogotton; but when our friends and neighbors are injured and our notes, when some one stallors in, as they had asked if they could get in: of sight, and the matter is soon fogotton; but when our friends and neighbors are injured and our notes, when some one stallors in, as they had asked if they could get in: of sight, and the matter is soon fogotton; but when our friends and neighbors are injured and our, but rowed away.

I saw Durfee soon after; he have a whole the best of my to the tavern.

I saw Durfee soon after; he have a whole the best of my to the tavern.

When I was in the companion-way there were the sallors in, as they had asked if they could get in: of sight, and the matter is soon fogotton; but when our friends and neighbors are injured and our, carried in our house, so as to let the sallors in, as they had asked if they could get in:

I saw Durfee soon after; he have a whole the best of my to the turn who boarded in our house, sallors in, as they had asked if they could get in:

I saw Durfee soon after; he have a whole the best of my to the turn who boarded in our house, sallors in, as they had asked if they could get in:

I saw Durfee soon after; he have were lowing on the Caronne, out into the stream and partly down; about ton or fifteen rods below the store-house; a line from the man who fired to where the men were who were towing off the Caroline was flown and found Durfee; I think a Capt. line would not have come within twenty rods of where Durfee was found; it was before we went down and found Durfee; I think a Capt. line would not have come within twenty rods of where Durfee was found; it was before we went down and found Durfee; I think a Capt. Lawton had two pistols, but they were not used.

Cross-examined by Mr. Spencer.

I stopped a few minutes at the tavern, and went down to the dock and saw the body of Durfee; storetender to uttoward the river to see the boat burn; went down to the dock and saw the body of Durfee; storetender to uttoward the man who fired to the subject the next day; I then told every body that and evening previous; had known Michod stand which where day and evening previous; had known Michod stand which was the Caroline; was the cut of the day and this wife from Michigan were setting together on a believed my assailant was McLeod; but it was him at Chippend with the man who fired to the subject the next day; I then told every body that and evening previous; had known Michod such and evening previous; had known in Chippend with the man who fired to the rods of where Durfee day and evening previous; had known Michod such where Durfee was found; it may have been some-what less. I remonstrated with the man who fired the gun; told him it might accravate them so that

go over ; no other arms,  $Question \, hy \, Mr. \, Spencer, — Were the people at$ 

Schlosser generally friendly to the Navy Islanders?

Mr. Hall.—I trust the witness will not be required to answer this question. It does not belong

ing of the Caroline.]

To Mr. Spencer.—I went over to Navy Island

By Mr. Spencer .- What did you see there? or fourteen feet from its outer edge; he lay on his be repeated with every witness. I must now for-

> made no objection. So with the testimony he has gun fired, and some one fell by my side, who apaddited. I am anxious that the whole history of this transaction shall appear. If the Attorney General imagines that he can be permitted to show here that five boats came from Chippewa and burnt the Caroline, yet not allow me to show the causes of that act, he is much mistakes. I contend that all these facts belong to the history of this transac-

After the rew-boats left the Caroline, they struck across below the little island (Homer's) directly da; that they had canson, arms, rounitions and provisions from our shore.

Mr. Spencer.—Was there cannonading from Navy Island? [Objected to by Mr. Hall: Al-lowed by the Court.] Ans. there was cannonad-

No one can seriously con- boats were coming, and they had better get up; fended off with my overcoat on my arm. the issue now pending. Mr. Spencer briefly maintained their pertinency. Justice Gridley decided that the questions must be directed to the issue before the Court. Mr. Spencer resumed.]

Emmons—I had seen a good many thing-good over; a cannon don't know that I have seen any armed men; had been over to Navy I-land myself:

stamboat; an officer standing up in her; she was we do with this fellow? Shall we take him principles. 

to the Islanders.

To Mr. Speacer.—Do a't know by whom the express was run, probably by the newspapers, which were anxious to get the news; an invasion was daily expected: I mean by invasion an attack on Navy Island by the British; do a't know that there were any other arms on board; before this dinner.)

Express was run, probably by the newspapers, without my hearing it: Capt. Kennedy was on the watch; he had been to the Falls with rae; he called Gill fall, and how the watch; he had been to the Falls with rae; he falls, and Caroling falls, and Caroling falls.

where the men were who were towing off the Caro-line would not have come within twenty rods of Lawton had two pistols, but they were not used.

toward the warehouse from me : I looked at him ;

in December, 1537; was a steamboat engineer; people there; soma keeping up the fire; saw two was on board the Caroline when attacked; lodged er three boats enter the cut or canal and so into By Mr. Spencer.—What did you see there? in the ladies' cabin; bad not been asleep; had just the Chippewa Creek and up it; a towpath runs up The Attorney General.—As this course is to lain down, when the alarm was given of boats the creek, between it and the road, which is three coming; thought it was a rase to get us out of our rods from the creek; three boats landed just beserve clearly: I turned, went aft, and passed off the boat. [Mr. Spencer: 'Not very slow, I sup-pose.'] No. sir.

pose.'] No. sir.

Cross-Examined by Mr Spenesr.

Went on board the boat at Black Rock Dam the I was on board the Caroline the evening before ske was not armed at the men on board that I saw; then the Caroline was attacked we apprehended maintain unless the Court rule the constrary.

Justice Gridley.—It strikes me that the facts are already out; that there was an insargent force on deck; can't say whether the lights had been put

about 8 o'clock; was asleep whea the alarm was that night. given; was awake by the firing of a gun by men Next mo 

pased to allow the most liberal range of investigation, but really when we came to inquire not what the Caroline carried, but what other boats had carried for weeks before, it must be obvious that there is down, and called that not be used efficiently; I was not the Caroline carried but what other boats had carried for weeks before, through the caroline carried but what other boats had carried to the door, and called that not the caroline carried but what other boats had carried to the watch, came to the door, and called that not the caroline carried but what of the caroline carried but what of the caroline carried but what of the caroline carried but the soat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut to the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cut the caroline about the boat and her crew; I was cu

the bar : I had been introduced to him before, and sure it was the Caroline ; was in the village the day

the floor of the warehouse had been broken up by a storm.

By Mr. Hawley resumed—I was aroused by some one coming up staffs, exclaiming that the boat was attacked; I got up and went partly down to the warehouse unarmed.

Lind known American a storm of the Caroline. In reply, he stated that same of the provisions, cannon, &c. went over after the Burning of the Caroline. In got up and went partly down to the warehouse unarmed.

Lind known American a supposed a Bere over a burnt; saw him after the boats returned at the lead of the cut where the rails were burning; about the loading of the gun when he was subposed the boats on their return from about the loading of the gun when he was subposed to the caroline. In reply, he stated that same of the provisions, cannon, &c. went over after the Burning of the Caroline. In reply, he stated that same of the provisions, cannon, &c. went over after the boats on their return from about the loading of the gun when he was subposed when the ward of the cut where the rails were burning; about the loading of the gun when he was subposed when the ward of the cut where the rails were burning; about the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loading of the gun when he was subposed at the loa Joshua A. Smith. (sworn.) Resided in Buffalo the burning rails out of curiosity: there were several tioes that I cannot say what it was.

was one of them?

season; I was only a passenger on the Caroline; on a mattress and there held, beat, and stamped on passage; it is not the custom for sailors to on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by this time on; was cut and struck with swords; by the swords with swords; by the swords with swords with swords with swords with swords with swords. pay; they are called dead-heads; it is the custom for such to help when they are wanted.

I was in hed that night in the batter, and a shout the Soat and her crew; I was cut

I was in hed that night in the batter, and a shout the Soat and her crew; I was cut

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by the first of the same on board of the watch; he had been turned over. I had only been there half an hour and had persons who went over for curiosity; not hilfriend to the his landers.

To Mr. Spencer.—Dou't know by whom the express was run, probably by the newspapers, which were anxious to get the news; an invasion an attack on Navy Island by the British; do n't know that there was an took the watch; he had been turned over. I had door of the cabin till I met Mr. Wells ashore, but we when I went it was cloudy; should think there was a moon; it been at the Falls that day and could get no lodgenge on the same above, but she had not swung clear; I saw a boy off; didn't speak to any, even the saliers; it was pretty dark; think I could tell a man ten foot ashore, but she had not swung clear; I saw a boy off; didn't speak to any, even the saliers; it was some thirty min, ashore, but she had only been there half an hour and had persons who went over for curiosity; not hilfriendly to the Islanders.

To Mr. Spencer.—Dou't know by whom the express was run, probably by the newspapers, which were anxious to get the news; an invasion was discharged before those freed from the assailants at us; could not have been when the watch; he had been to the Falls with nee; he called Gilman Appleby, (swork). Resides in Burriers of the British; do n't know that there were and took the watch; he had been turned over. I had door of the cabin till I met Mr. Wells ashore, the bow when I went is an above, the short was a mon; it was cloudy; should think there was a moon; it was pretty dark; think I could tell a man ten foot ashore, the was pretty dark; think I could tell a man ten foot and the two sailors, it was cloudy; should think there was a moon; it was cloudy; should thenk there was a moon; it was cloudy; should thenk there was a moon; it was cloudy; thenk I could tell a man ten foot and the two sailors, it was cloudy; should thenk there was a moon; it was cloudy; thenk I could tell a man ten foot and the two superboards thenk I co

down to the dock, and saw the body of Durfee:
storetender to retire, as they had private start
saw the wound in his head; his cap lying by it,
Ke. Ke. don't know who rolled him over.

There were 33 men lodging in the Caroline that
door as I went in; did not notice that he was
the evening, at Davis's tavern; he came out of the
infant, with a nurse, was severely injured, with a the containing the co

down to Navy Island the night before, I think for the first. I reside in Buffalo, and have done ever since.

Mr. S. C. Hawley called

Mr. Hawley called

Mr. Hawley called

Mr. Hawley called

Mr. H heard that he was arrested at Lewiston, and con-fined three or four days; did not go down; was not he knew against McLeod till he testified at Lockport, except in Canada; moved over in September Source Bell; also before Judge Borden; attended neither examination; did not know much of the party I saw McLeod with in the store except Capt. mally protest against it. I insist that this is not the tribunal to elicit restimanty to he used for other purposes on others coasions. My duty to this Court, to the laws, and to the witness will not permit me the starboard gargway; saw a good many men the starboard gargway; saw a g to allow this proceeding.

there; did not recognize them; it was dark; went of them; I was about ten feet off; saw them all line was burnt the night following; sure I saw Ar, Spencer.—The Attorney General indulged aft on the starboard side, and saw men coming on land; Platt Smith was with me; the men from the McLeod that afternoon and the next morning; in a very wide latitude in opening this case, and I board from a row-boat; at this time there was a boats walked up to Davis's tavern, ten or twelve am sure I saw him at Davis's the evening of the roads: I went along; they were talking about the attack; noticed him as I had a whisper that there peared to be coming aft; I thought he fell from destruction of the Caroline; stopped at the tavern, the shot; I was some frightened, and did not ob- in front of it, and proposed to take something to in front of it, and proposed to take something to ting out a boat that night; heard it from an Irish-drink; I think a lamp was burning outside and one man that afternoon, heard they were getting up inside; saw a man there that I called McLeod, volunteers; can't remember the name of any one and I don't think I am mistaken; I was eight or ten feet from him; he stood near the door; a good deal was said there, but many were asking questions that I cannot any where the the I cannot any where the the I cannot any where I

bes that I cannot say what it was.

When I saw him next morning I was a few feet off; I think a Mr. Wm. Caswell was with him; they were nearly all strengers; perhaps twenty in Ans. - As sure as I am that I see him now .- | all; don't know any one else who was there; did McLeod went into Davis's; several proposed to not recollect that Mr. Caswell was till this minute; out or not.

James H. King. (sworn.) Resided in Buffalo go in: others said "Our bar-tender is here; we find the Caroline steambout; was on board during her last trip and at the time of the attack; retired to the ladies' cabin with him to Smith's; they started off, five of them.

McLeod went into Davis, several proposed to go in: others said "Our bar-tender is here; we have spoken with him since I came here; can't say what I said about this matter; talkedage our both being here as witnesses on this trial; can't say what I said on the said and our this matter; talkedage our both being here as witnesses on this trial; can't say we did or did not speak about seeing Mc-lay the proposed to come advertising columns, it will be seen as witnesses on the trip say what I said about this matter; talkedage our both being here as witnesses on this trial; can't say we did or did not speak about seeing Mc-lay the proposed to the caroline steams and will compressed the complete of the caroline steams and will compressed the complete of the caroline steams and will compressed the complete of the caroline steams and will compressed the caroline steams and will compressed the caroline steams and will compressed the caroline steams and the caroline steams Leod that morning; think I did; he said he heats, are given, and every horse at the North, of

three days at a time; small boats kept arriving she was destroyed; I was master of a vessel that ed, and shoved back into the cabin, shoved down from Buffalo and crossing over; can't say what season; I was only a passenger on the Caroline; on a mattress and there held, beat, and stamped to see kim, but did not see that he was wourded; Caswell said to him with regard to MoDe. versation with the bar-tender.] It was four or five code from Smith's to Davis's.

When McLeed got out of the boat, he had a what he recollects or will state. Objection over-They belt around him, and a sword or cutlass hanging ruled by the Court. The inqury is proper to shew why it has not before occurred to witness that Case by his side.

\*\*Cross-examined by Mr. Spencer.\*\*
Aim forty-seven years old; went from Canadai; think that Caswell's recollections are precisely the same as his. To Altorize General.—Thinks that Caswell's recollections are precisely t

boat's full landed. I think this was near it o'clock; I had been sitting up till them; did not go to bed not go down in her: went by railroad; the cars tan twice a day each way from Buffalo to Niagara Falls by Schlosser; ran near the tavern; the boat was to carry passengers down the river; didn't understand that she was to be employed to aid the Navy Islanders; understood she was to make the river to make money.

Direct, remined.—The railroad ran with horse To Mr. Speace—But I seem to some on beard seems on

Hon. Peter Hubbell have been appointed Delegates to the Syracuse Convention, and David G. Abeel, Esq. and Henry Green to the Senatorial Conven-

The Albany Evening Journal doubts whethhave been inquired of in the evening if this was er Hon. John C. Spencer has accepted the Secre-McLeod; I was at the Eagle a quarter to half an exception of War. The Assets on the contents taryship of War. The Argus, on the contrary, says he has returned with his commission in his

IF The Court for the Correction of Errors met, pursuant to adjournment, at the Capitol on the 5th inst. Present-Lieux Governor, Chas. Walworth, Justices Cowan, Denniston, Dixon, Foster, Hawkins, Hull, Hamphrey, Hunt, Johnson, Moseley, subpersaed; did not mention what he knew to any Paige, Peck, Root, Strong, Taylor, Verplanck, one; did not want trouble; never mentioned what Works.

> BJ: Signor Nauer's last Concert in New-York will be given at the Broadway Tabernacle this evening. Of the exquisite skill and beauty of the performances of this eminent violinist we have spoken before. Let all who have not heard him, embrace this opportunity. Those who have heard him will of course attend without our suggestion. The Concerto which the Signor has dedicated to the American public, and which is to be performed this evening, is pronounced a great composition.

We insert from an evening paper of yesterday the following notice of the Last Day of the

Fall Meeting on the Union Course: " We are requested to call attention to the great day, [This Day,] on the Union Course, which closes the receting, and also, the present club .-There are five races: commencing at 12 o'clock, and likely to consume the entire day. By reference to our advertising columns, it will be seen